



CITY OF MORGAN HILL

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## PLANNING COMMISSION MEETING MINUTES

### REGULAR MEETING

**FEBRUARY 27, 2001**

**PRESENT:** Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

**ABSENT:** None

**LATE:** None

**STAFF:** Associate Planner (AP) Linder, Senior Engineer (SE) Creer and Minutes Clerk Johnson.

### REGULAR MEETING

Chair Kennett called the meeting to order at 7:02 p.m.

### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Kennett opened the public hearing.

There being none present who wished to address the Commission, the public hearing was closed.

### MINUTES:

**FEBRUARY 5  
2001**

### **COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE THE FEBRUARY 5, 2001 MINUTES WITH THE FOLLOWING CORRECTIONS:**

Page 2, paragraph 7: would be of [great] benefit

Page 2, paragraph 9: ~~appropriate~~ inappropriate {then delete rest of sentence}

Page 3, paragraph 1: ~~Item~~ Policy 26A where a definition of a public facility land use area is found, there is language that request itemization of those units and further indicates costs to local government shall be minimized

Page 3, paragraph 4: ~~to desirability of~~ ranking of cities for quality of life indicate

Page 3,

paragraph 4: ~~thinking.....warranted~~ might be different on a vote on the negative declaration when a full EIR is warranted.

**THE MOTION PASSED 6 - 1, WITH RIDNER ABSTAINING.**

**FEBRUARY 13,  
2001**

**COMMISSIONERS McMAHON/MUELLER MOTIONED TO APPROVE THE  
FEBRUARY 13, 2001 MINUTES WITH THE FOLLOWING CORRECTIONS:**

Page 3, paragraph 1: ~~both~~ 175 for MP-00-10

Page 4, paragraph 1: ~~Shane~~ Sheng

Page 6, paragraph 1: (correct spelling) fractions

Page 6, paragraph 2: ~~12~~-6

Page 6, paragraph 4: FY 2003-04

Warmington            12

Trovare                10

Mission Ranch        6

Central                10

Page 6, paragraph 7: (revise) Commissioner Pinion thought Warmington Homes should be given more consideration for allocations in view of the startup or up front costs they are accruing. He also indicated concern about some of the projects on the Westside.

**THE MOTION PASSED 6 - 1, WITH KENNETT ABSTAINING.**

**OTHER BUSINESS:** At the request of Chair Kennett, the agenda was altered to hear items 4 and 5 out of order.

**4. APPOINTMENT OF 2001 RDCS SUBCOMMITTEE** The Residential Development Control System Ordinance requires the Planning Commission to review the standards and criteria following each competition. Historically, a subcommittee has been appointed to work with City Staff for this purpose.

Agreeing that such a subcommittee has proven of benefit, the Commissioners agreed that continuation of the practice has merit. Following discussion, Commissioners decided that Chair Kennett, Commissioners Lyle and Mueller would be the representatives of the Commission.

Chair Kennett opened the public hearing.

Rocke Garcia and Dick Oliver spoke to the issue, indicating value to all interested developers through the participation of those appointed to the subcommittee and asking that the practice of including developers be continued.

The public hearing was closed.

Further discussion resulted in a vote for the developers who had indicated interest in - and willingness to - serving on the subcommittee. Subsequently, Carolyn Hipp and Dick Oliver were named to the subcommittee with Scott Schilling being the developer representative alternate. It is anticipated that the subcommittee will begin their work within two weeks. It was noted that Mardel Taylor of the school district will participate in the subcommittee as well.

AP Linder distributed a "criteria update" list which was gleaned from the global issues workshop and the hearings for allocations. (Attached) Commissioner Lyle suggested that single family attached and multifamily versus single family detached be added to the list.

Concern about the scope and breadth of the criteria/issues led Commissioners to agree that a workshop would be scheduled for March 13 at 6:00 p.m. to discuss and clarify those criteria/issues before changes occur and to provide developers the opportunity to continue work on allocation packets with updated information.

## 5. RDCS

### QUARTERLY

AP Linder provided an overview of the report as is required by the City of Morgan Hill.

She said that four projects are behind schedule, four are delinquent, and two projects **REPORT** not met the time lines and are considered expired.

Chair Kennett opened the public hearing.

Scott Schilling, 16060 Caputo Dr., requested that on those projects which have allocations that are about to expire, other projects be considered to use those allocations. He noted that there is supposedly a tracking system which would facilitate this, but it is not nor has not been utilized.

Rocke Garcia spoke with the Commissioners saying that his project is one listed as behind schedule. He indicated that he had met with several regulatory agencies, including the Regional Water Control Board and good progress had been made. He indicated that if all the regulatory agencies worked together as they had indicated, the project would be in good shape to continue.

The public hearing was closed.

Commissioner Mueller said that in the current housing market, no delinquencies should be occurring. Furthermore, he said, anyone with a delinquency if allowed to proceed by the City Council, should be pushing on toward completion.

AP Linder provided an explanation of the reasons for the delinquencies.

Commissioner Sullivan said it would be useful to know the reasons for the delinquencies and recommended that such information might be provided to Commissioners in the future. Other Commissioners concurred, stating this would be useful information.

Commissioner Lyle said that all delinquencies and those projects which are potentially behind would be presented to the City Council at their first meeting in April. He cited the value of having up-to-date census information to accompany the RDCS quarterly report which will go to the Council.

Commissioner Mueller spoke on projections of the potential of increased census and the allocations for housing units by 2010. He said that as the residents and Staff look toward 2010 there may be a need to do things differently.

Commissioner Lyle suggested it might be a good idea if the City Council were to consider the discussion for the second meeting in April as the census numbers will be received before that time.

**COMMISSIONERS MUELLER/MCMAHON MOTIONED TO FORWARD THE RDCS QUARTERLY REPORT TO THE CITY COUNCIL. THE MOTION PASSED UNANIMOUSLY.**

Vice Chair Ridner assumed the gavel at 7:48 p.m.

Vice Chair Ridner provided an overview of the Measure P allocation process, reiterating the public hearings and meetings which had occurred. He noted the importance of meeting the requirements of the Measure, saying the citizens of Morgan Hill had promoted orderly growth to help meet the fiscal demands on the City. Vice Chair Ridner explained that this year the Planning Commission had 75 “slots” to deal with, but had received applications for 1025 units. He told the audience that while the process is laborious and time consuming, it is a fair way to achieve the goals.

**NEW BUSINESS:**

**1. FINAL AWARD & DISTRIBUTION OF FY 02-03 RDCS RESIDENTIAL BUILDING ALLOCATIONS FOR THE OPEN/MARKET COMPETITION** AP Linder presented the staff report, noting that for FY 2002-03 there would be 23 allotments to the west and 52 to the east. There are 50 allocations awarded from FY 2003-04 in the prepared resolution. The distribution proposed recommendation completes the Trovare project on E. Dunne Ave. It was observed, however, that two new projects are added to the list of ongoing projects, thus increasing the back log. AP Linder explained that the subsequent year allotment does not accommodate project second year phasing requested by the applicants. She said that nevertheless each applicant has indicated willingness to accept and work with flexibility in the number of allocations granted.

AP Linder then distributed maps received from Dick Oliver of Coyote Ranch which provided an overview of a suggested approach to best utilize the allotments under consideration for that development.

Vice Chair Ridner opened the public hearing.

Carolyn Hipp, 3160 Crow Canyon Place, representing Warmington Homes, indicated a letter had been submitted (included in the Commissioner’s packets) which requested an increase of five allocations in the proposal for the second year allocations. She passed out maps which indicated the suggested increase requested. Following discussion and response to the Commissioner’s questions, Ms. Hipp reiterated earlier statements that her group is flexible and would be grateful of consideration of any allocations in addition to that already on the table. She said that the up-front costs are very heavy for such development and that the additional allocations, if granted, would do much to offset those costs. Mrs. Hipp thanked the Commissioners and Staff for the work done on the Measure P allocation process.

Scott Schilling, 16060 Caputo Dr., speaking on behalf of Sunny Oaks and Central Park, told the Commissioners that they would like to start the two projects, and would like to continue any ongoing projects. Regarding the numbers proposed in the resolution, he said that anything done here takes a very long time as opposed to areas where building takes place where slow growth ordinances are not in effect.

Mr. Schilling said it is important to try to achieve a balance of new, proposed projects and those that are on-going. He spoke on the upcoming six years of allocations processes before the Measure P sunsets in 2010.

Rafi Bamdad (no address given) said he represents small developers. He had spoken with the Commission previously about his concerns with the current scoring and his feelings with the Staff's knowledge of his plans was lacking. He reiterated the concerns and feelings to the Commission. He repeated that fairness is a key and should be given to all.

Dick Oliver, 275 Saratoga Ave, #105, addressed the Commission explaining his plans for Mission Ranch. He spoke of the expensive up-front costs where improvements are required, particularly streets. He indicated that additional units would be extremely helpful in the fiscal arrangements to be made when talking to banks, etc. Mr. Oliver expressed appreciation to the Commission and the Staff saying that any help he got is enjoyed.

Regarding Coyote Creek, Mr. Oliver said that the map presented earlier indicated the need to build homes adjacent to those already completed. He said that on the map, there is shown six units, and this would trigger the need for two BMRs.

The public hearing was closed.

Commissioner Lyle addressed the requirements and special provisions for small projects. He also spoke on the upcoming reports concerning the census and the effect those numbers might have on future allocations.

Vice Chair Ridner asked for a review on some of the points raised during the public hearing. AP Linder responded. Following the explanation, Vice Chair Ridner commented that the scoring process was fair and equitable with all adjustments having been properly made.

Commissioner Pinion explained that he thought any extra consideration of additional allotments or changes should favor the top scoring projects.

The Commissioners engaged in discussion of the global issues/criteria update, saying that the issues would best be considered by the subcommittee. All Commissioners agreed that it essential for the City Council to be aware of the discussions they have had relating to the global issues/criteria update so the members can be aware of the concerns. Further discussion centered on taking points from the micros as almost all are on the "behind/delinquent" list. It was noted that if the numbers received from the census are differing greatly, a special meeting

could be held to restore any points and/or allocations not given at this time.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 01-05, ESTABLISHING RESIDENTIAL DEVELOPMENT CONTROL SYSTEM ALLOCATIONS FOR OPEN/MARKET RESIDENTIAL PROJECTS IN FISCAL YEAR 2002-03 WITH CHANGES TO READ: THREE ALLOCATIONS TAKEN FROM MICROS AND REALLOCATED AS FOLLOWS: TWO TO WARMINGTON, ONE TO HALE-DELCO. FURTHER, FOR THE YEARS 2003-04, 3 TO WARMINGTON WHICH INCREASES THE ALLOCATION TO 53. DEPENDENT ON THE CENSUS, A SPECIAL MEETING MAY BE CALLED TO ADJUST ALLOCATIONS PRESENTED. SECONDED BY McMAHON. THE RESOLUTION WAS ADOPTED WITH A VOTE OF 6 - 0 - 1 WITH KENNETT ABSENT.**

**2. EOT-01-01/  
VAR-99-03:  
MONTEREY-  
VISION OF  
WRIGHT/OAK  
GLEN PLAZA:**

A request for a one-year extension of time on the approval of a variance from the minimum required rear yard setback for a proposed building addition to the existing Oak Glen Plaza commercial center. The project is located at the southwest corner of Wright Avenue and Monterey Road in the CG, General Commercial district.

AP Linder presented the Staff report which indicated Commission approval on February 8, 2000 for the variance which had included a proposal for 4,000 sf to the existing 7,200 sf Oak Glen Plaza Commercial Center. She explained the plan proposed and spoke of the set back requirements. AP Linder reminded that the variance was valid for a one year period which had recently ended. Now, she said, the applicant was proposing to have shared parking with a neighboring firm and was ready to proceed with the project.

Commissioner Mueller questioned the ability of the applicant to meet the parking standards of the City.

Vice Chair Ridner opened the public hearing.

Mary Picazo, 17610 Hill Rd., identified herself as a property owner on the other side of the alley. She stated her concerns that the front door of the rental she has will be facing the proposed buildings; that the garbage cans will be virtually in the front door of her building; that the value of her property may be decreased as a result of the implementation of the proposed variance; that the set back may result in a building being placed further to the front of hers; and lastly that parking issues will be heightened rather than resolved.

The public hearing was closed.

Noting the absence of the applicant, Commissioner Mueller questioned whether the matter should be continued until the applicant was present or more information could be had. It was recognized that the hearing had been properly noticed with all parties contacted as required by law.

Discussion developed regarding the original variance; the (potential) parking issues; the

comparisons of other similar developments to this one; and the probability of this being a non-conforming use. The Commissioners discussed the original variance, noting that little had been done to meet the terms and conditions of that variance for long periods of time.

**COMMISSIONERS PINION/SULLIVAN MOTIONED TO DENY THE VARIANCE EXTENSION. THE MOTION CARRIED ON A VOTE OF 4-2-1 WITH LYLE, McMAHON, PINION AND SULLIVAN VOTING AYE; MUELLER AND RIDNER VOTING NO AND KENNETT ABSENT.**

**OTHER BUSINESS (CONT'D.):**

**3. REVIEW AND DISCUSSION WITH FY2002-03 RDCS OPEN/MARKET COMPETITION APPLICANTS (MP-00-08/MP-00-23/MP-00-25/MP-00-11/MP-00-16)**

AP Linder presented the Staff report: in an effort to streamline the public hearing portion of the Measure P scoring review, it was agreed to focus on applications with a score of 176 and above for projects on the east side of Monterey Road and 172 and above on the west. Project applications for allotments not meeting that scoring were not discussed in depth by the Commission. Staff recommended that discussion with the applicants might be beneficial for identification of application deficiencies, e.g., poor site plan or layout. By direction of the Commission, the applicants of the projects were invited to attend the meeting this date, as well as communicate by letter to the Commission. Having reexamined the scoring for each of the seven projects, Staff reaffirmed the scoring and the final scores were noted.

Vice Chair Ridner noted that this discussion will augment the consistency in providing information to the developers. It will, he said, give input of any kind(s) of data the developers perceive they have not received during the scoring process.

Commissioner McMahon stated this will provide clarification and direction in areas where scores could be improved.

Commissioner Lyle asked if the developers/applicants could work within their community to bring global issues to the attention of subcommittee.

Commissioner Sullivan pointed to the Criteria Update list distributed earlier in the evening

Vice Chair Ridner opened the public hearing.

Tony Lupina, 729 San Cristoval Ct., representing Rose Garden, spoke to the issue of lot layout, asking clarification on: average versus superior; interior lot layout - with shared boundaries; open space widths. Regarding shared boundaries, his questions centered around common driveways.

AP Linder responded that concerns of fire and police access issues had been raised and verified. The same was true, she said, for narrow open space designations, that surveillance by law enforcement issues are raised and resolution has not been found.

Suggestions were made to the applicant that he work with Staff and the subcommittee to redesign the project so that it might receive better scoring consideration in the future.

Rafi Bamdad (no address given) asked for clarification in the Natural/Environmental category, the Open space category and with Landscaping/Screening issues. He had previously spoken regarding his concerns with the current scoring and expressed concern of the Staff's lack of knowledge of his plans. He repeated his concerns to the Commission. He emphasized that fairness is a key and should be given to all.

Commissioners told Mr. Bumbad that if he wished to consider a redesign of his project, that participating in the full Measure P preplanning process would be beneficial. It was noted that within the last two years, those applicants who had followed the prescribed procedure had received the highest scores. Commissioners reinforced the need to go through the preprocess.

Wayne O'Connell, 2065 Malbes, interjected that the prescreening is an excellent process, but pointed out that there was a very small "window" last year. Commissioners responded that with the work of the subcommittee beginning earlier this year, that the prescreening time would be sufficient for all.

Joe Deconza, 17310 Hendry Dr., asked the Commission to consider issues of R2 zoning, open space, and the difficulty of having R2 projects compete with R1 projects.

Commissioner Lyle said that the R1 and R2 issues have been added to the global issues to be discussed by the subcommittee.

Mr. Deconza also raised the issue of the Butterfield channel, promoting considerable discussion. It was noted that there is a need to address standards along the ten-plus miles of the roadway, that design guidelines might be considered for Butterfield, and the placement of open space/bikeways along the corridor.

Commissioners commented on the possibility of scoring changes, stressing that consistency is needed, and though needs to be given to the "ripple effect of any changes in scores assigned to the various categories.

Wayne O'Connell, 2065 Malbes, stressed the need to look at and add provision for R2 and multifamily issues in the scoring process. He spoke specifically to alternative thinking in consideration of street widths, creation of ambiance, noting that if there were some latitude for creativity, better clustering might be possible. He suggested that ranking differences for lot layout be considered.

Commissioners then discussed with Mr. O'Connell various issues including open space, safety, fence/barrier placement, parks, walking paths, and grouped neighborhoods. It was pointed out that several of the issues the applicant raised would be addressed at the March 13 workshop.

Mr. O'Connell asked if there is a differential between a walk, a path, and the requirements of a bike lane, and if any of those can be used concurrently. He commented on the possibility of wider communal bicycle/pedestrian paths.

Dick Oliver, 275 Saratoga Ave, #105, presented information that he continues working with



the Brillio family and the school board, but has not received resolution of park and school placement - nor space requirement for each - to maximize the functional aspects of both for the City. He said that the school would like to use the existing ElToro model, with Commissioners noting that this model may have increased traffic issues in that neighborhood. Mr. Oliver was urged to continue work on resolution of this issue.

The public hearing was closed.

Commissioner Pinion raised the possibility for consideration of enhanced/longevity points for continuing projects.

Commissioner Lyle spoke of the concern raised previously regarding (adjacent) projects which have one owner, stressing the need to "shore up" commitments for installation of improvements even if only one project is successful with receipt of allocations.

Commissioner Mueller said a joint meeting of the General Plan Task Force, the City Council, and the consultants hired to complete work on the General Plan was anticipated soon and that public meetings for review of the (proposed) General Plan were to be scheduled. He suggested that having a summary of the General Plan provisions would be beneficial and suggested that the item be placed on an upcoming agenda. He further stated that the new parks plan information would be beneficial to the Commission.

**ADJOURNMENT** There being no further business, Vice-Chair Ridner adjourned the meeting at 10:25 p.m.  
**MINUTES RECORDED AND PREPARED BY:**

**JUDI H. JOHNSON**  
**Minutes Clerk**